

**Board of Trustees**  
**Suffolk County Department of Parks**  
**Recreation and Conservation**

**Minutes of June 16, 2005 at the Lodge at Southaven County Park**

**BOARD MEMBERS  
PRESENT:**

Alexander McKay	Chairman, Town of Huntington
Matthew Kruger	Vice Chairman, Town of Smithtown
Richard F. White	Trustee, Town of East Hampton
Aurelio Colina	Trustee, Town of Southampton
Joseph Miller	Trustee, Town of Islip
Todd Stebbins	Member of the Board
Charles Bender	Member of the Board
Gary Olsen	Trustee, Town of Brookhaven
John Fritz	Trustee, Town of Babylon
Thomas J. McCaffery	Trustee, Town of Southold
Ray Corwin itz	Member at Large

**ABSENT:**

Christopher C. Drake	Trustee, Town of Shelter Island
Vacancy	Trustee, Town of Riverhead

**PARKS DEPARTMENT:**

Ronald F. Foley	Commissioner
Tracey Belone	Deputy Commissioner
Colleen Hofmeister	Contracts Manager
Bill Sickles	Sr. Superintendent of Parks
Nick Gibbons	Sr. Environmental Analyst
Dave Brewer	Chief, SC Parks Police
Mary Simonsen	Secretary to the Commissioner

**GUESTS:**

Thomas Isles	Director of Planning
Patricia Zielinski	Director, Real Estate
Janet Longo	Assistant to the Director, Planning
Jennifer Kohn	Assistant County Attorney
Hon. Vivian Viloría-Fisher	Legislator, 5th District
Kara Hahn	Office of Vivian Viloría-Fisher
James Green	Office of Vivian Viloría-Fisher
Travis Grilli	Office of Vivian Viloría-Fisher
Louise Harrison	Coalition for the Future of Stony Brook Village
Cynthia Barnes	Coalition for the Future of Stony Brook Village
Bob Brown	Suffolk County Boys and Girls Club

Cheryl Krupa-Simms	Suffolk County Boys and Girls Club
Alan Todd Costell	Suffolk County Boys and Girls Club
Dan Hegary	Suffolk County Boys and Girls Club

Chairman McKay opened the meeting by welcoming the guests from the Parks Department Environmental Team being honored for their heroic efforts in rousing sleeping residents and calling 911 when they noticed a home that was on fire nearby their worksite in North Babylon on May 13, 2005. Each member was awarded a certificate of appreciation signed by Chairman McKay and Commissioner Foley. Those being honored today were as follows:

Richard Hollborn  
Kevin DiVeglio Tony Trotta  
Michael LaBarbara  
Jennifer Oakland  
Andy McLoughlin  
Edmund Miller  
Mark Miller (in absentia)  
Lo Yui

#### **PUBLIC SPEAKING PORTION:**

Chairman McKay opened the floor to Ms. Louise Harrison, Co-Chair of the **Coalition for the Future of Stony Brook Village (FSBV)** speaking in regards to **Forsythe Meadows Nature Preserve/Park**. (Also with Ms. Harrison but not presenting/speaking was Co-Chair Cynthia Barnes.)

Forsythe Meadow was acquired by a Resolution put forth by Legislator Vivian Vilorio-Fisher and signed by then County Executive Robert Gaffney dated July 12, 2000. Ms. Harrison stated that three weeks later, two acres of linear damage was done, caused by the improper installation of a fence. The statute of limitations for litigation has passed and the FSVB is now speaking with the County Executive's office, the County Attorney's Office and Commissioner Foley in order to initiate a new opportunity for restoration with the help of the Town of Brookhaven.

Ms. Harrison went on to say that after the acquisition, the Stony Brook Post Office was to be expanded by 60,000 square feet into Forsythe Meadow. The FSBV fought against this in court and lost at the State Supreme Court level. An appeal was won at Appellate Court on the basis that the Town of Brookhaven should have done an Environmental Impact Statement but did not, and yet work had continued even during the appeal.

The impact of the Post Office expansion on the park were the negative effects of a parking field, bright parking lights, invasive plants and fallen trees which crushed the fence and some of those trees are now dying.

Ms. Harrison then distributed a map of the area and photos of the damage. She stated that as a result of their lawsuit, the Town of Brookhaven was ordered to do an Environmental Impact Statement and 2½ years later, an environmental review has not been done. She requested from the Board, a motion for immediate mitigation for the impact on the Nature Preserve from an offsite expansion of the Post Office. Such mitigation might include removal of non-native species along the fenced boundary of the park, considerations for the planting of mature trees, turning off the lights at night, and restoring the fence-line boundary.

Trustee Miller asked if there was someone in the County Executive's office working with them and Ms. Harrison replied that it was a public outreach representative whose name she could not remember. Trustee Miller then asked if Eagle Realty was responsible for the fence line along the boundary, to which she replied that the fence was a condition of the sale and that the previous Commissioner of Parks requested a plan for such a fence. No plan was ever presented but the fence was put up anyway.

Trustee Corwin said he was in awe of the amount of work the volunteer group has done and he agrees with onsite mitigation and thought we should be prepared for other types of mitigation (equivalent to offsite restoration at another location) and said we would be remiss not to participate.

Ms. Harrison said that all of the Boards' ideas would be helpful and requested, if possible, for Board members to attend the next Town of Brookhaven public hearing and recommend ways for Brookhaven to handle the situation and/or present something in writing.

The Trustees decided that at their July 14th meeting, they would further discuss the matter and submit something in writing to the Brookhaven Planning Board to be made part of the permanent record.

#### **ADOPTION OF THE MAY 19, 2005 MINUTES:**

- Page 3 – In the last sentence of the last paragraph, change the sentence to read "It sits atop a critical groundwater area and a County purchase would minimize development in that area."
- Page 6 – Last paragraph, second sentence, change "86 acre" to "36 acre".
- Page 8 – Third paragraph, change the first sentence to read "The subject of the lack of grease traps in the septic systems at Cupsogue..."
- Page 8 - Third paragraph, change the last sentence to read "Trustee Corwin asked if this problem existed at other kitchen facilities..."
- Page 11 – In the first sentence after the comma, change the text to read "offering split samples to those agencies and will continue..."
- Page 13 – Insert a new second paragraph reading: "In response to a query as to what to do about the "stables" at Sears Bellows, Trustee Colina submitted his recommendation that the structure used as stables should be donated to the Riverhead Fire Department for fire training and further, the county should focus its limited resources on Southaven to develop an equestrian facility which we could all be proud of."
- Page 13 – Last paragraph, last sentence, change "South Hampton" to one word, "Southampton".

Chairman McKay moved to accept the minutes as amended, seconded by Trustee Corwin, and voted on unanimously to accept.

#### **Tom Isles – Planning Department**

Mr. Isles stated that there were no new acquisitions to present today.

Chairman McKay asked about a manual on Transfer of Development Rights that he had heard was adopted by the Legislature. Mr. Isles indicated that it was adopted at the end of May. He also said that Real Estate is beginning to identify parcels that could be acquired and yield TDR credits.

In Regards to the Capital Budget for 2006, Mr. Isles said that \$13 million for Multifaceted was

reduced to \$5 million; this did not consider that \$75 million was just added via the SOS Program. Real Estate is pursuing acquisitions.

The County Executive now has the budget and can accept or veto Legislative changes.

Trustee Fritz asked if money would be taken from that fund and Mr. Isles replied that no, it can not be used or spent elsewhere. Legislator Fisher asked if the amendment had passed. Todd Stebbins replied that \$8.3 million was still in question.

#### **COMMISSIONER'S REPORT:**

The **Smith Point** outer beach is still closed due to erosion and is being assessed on a daily basis. Regarding the **fishing pier**, he said the Fire Island National Seashore (FINS) put out a public notice seeking public comment and there are still a lot of approvals needed, but progress is being made.

Trustee Fritz requested a Trustee resolution in favor of the Board supporting such a fishing pier. Chairman McKay asked him if he would like to make such a motion. Trustee Fritz replied he would like to make such a motion because fishing is very limited on Eastern Long Island and a fishing pier at Smith Point would have very little environmental impact and it would not impact marshland.

Trustee Fritz made the motion that the Board support a fishing Pier at Smith Point. It was seconded by Trustee Colina.

The Commissioner said that an agreement is being drafted for Fire District use of the **GATR site in Montauk** to be sent to the County Attorney's office for review and recommendations.

Tom Hroncich of Parks' Contract Division has received approval for a grant for a **trail project in Manorville** equaling \$89,600 and is coordinating with Central Pines Barrens staff. Trustee Corwin added that this was the second attempt at this, the first being five or six years ago.

Concerning the voluminous **RFPs** brought up at the previous Board meeting, the Commissioner said the County Attorney has already taken out all extraneous material and what has been left in them is all legally required. The idea of having the RFP simplified with more detail in the license agreement may be deceptive to bidders. All information should be known as early in the process as possible. The applicants need to know what they will face sooner or later.

Trustee Corwin asked if all RFPs were the same, to which Legislator Fisher replied that they were. Trustee Colina stated that RFPs are badly flawed and yet we do nothing. The Commissioner responded by saying that the contents of RFPs were dictated by County Law and we have no choice but to comply, the only way to change them would be to change County laws.

With the conclusion of the Commissioner's Report, Chairman McKay asked Bob Brown of **Three Village Boys and Girls Club** to present their Land Use Proposal.

Mr. Brown displayed maps of the proposed area for the attendees to view. He began by saying they are seeking a License and Lease agreement of 36 acres to be shared between public use and parkland with athletic fields not affecting the slopes. They had originally planned for a 37,000 square foot building but have changed that to a 4,000 square foot one to be used for office space, storage, restroom facilities, etc. The only change from the previous proposed plan is the size of the building. It was originally proposed to be built on the public portion of the land, but the Parks Department asked that the building be centrally located.

Legislator Fisher said she had walked the property with Trustee Olsen and noted that the land had been used, abused and abandoned. Also there would be a natural buffer around it so as not to impact the community. The Boys and Girls Club has reached out to the community to assuage problems with traffic.

Mr. Brown continued by saying they have submitted an application to the Health Department for restroom facilities in the parking area. The Health Department requirement is 16 gallons per parking space. If the parkland is not included it would hinder progress or cancel it. Mr. Brown asked for a resolution from the Trustees asking the Board of Health to consider the property all one parcel.

Trustee Stebbins asked if the entrance on Lynx Road would be the only one, to which Mr. Brown replied that it was the only reasonable and safe one due to lack of visibility on the other possible access points.

Trustee Colina asked of the 36 acres, how much would be public land and how much parkland, Mr. Brown replied six acres would be public use land, thirty acres County parkland.

Trustee Colina said four or five years ago the Riverhead YMCA wanted the use of 15 acres, off to the side and away from a golf course. The issue was not resolved in one meeting as there was a question of alienation. He said there were two trustees absent on the day of voting and the vote was 6-5 against. Had those two trustees been there, it may have gone the other way. Trustee Colina said he would side with Three Village for all good reasons provided. He would rather see parkland not go to developers.

The Commissioner said exclusivity would make it alienation. The gates can't be locked when the park is not in use by the Boys and Girls Club, it has to be open and available to all. Alan Costell of the Boys and Girls Club said that it was a prerequisite that the park be open to the entire County, but it would have a greater impact on the surrounding communities because they would likely be using it the most.

Trustee Miller asked if a Green Key would be required for entrance, to which the answer was no.

Mr. Brown said that the license and contract agreement says that Suffolk County would have the right to take over the park if the integrity of the park is not kept. Trustee White asked what would happen if the County ends up with it and does not have the means to take care of it.

Trustee Olsen described it as a "sand bowl", mined below the surrounding roads and that we'd have to import tons of sand to restore it, but even if it's not maintainable it won't be any worse off than it already is.

Trustee Fritz asked how many parking spaces there would be, Mr. Brown said there would be 350. The Commissioner asked if there would be parking fees or any other type of fees and Mr. Brown replied that there would only be registration fees. This is not a money-making venture. We are doing this for the kids. Parks would approve the fees for the permit costs and the regulations regarding the dawn 'till dusk rules etc., but if a field is not being used for an organized event it would be open to the general public. There would be a fee for organized, scheduled events. The Commissioner indicated that there should be signage stating that, and that there would have to be times set aside each week as open time for general public use.

Chairman McKay asked Ms. Kohn if she had any questions or comments. She asked in terms of use, would there be county-wide primetime use of the fields or would it be only local groups that

are part of their organization? Mr. Costell said the use would be open to all groups in Suffolk County, but said they presumed it would likely be local groups. Mr. Brown said they are reaching out in a five mile radius to teams and organizations, Dan Hegarty added that he is involved with other youth teams such as lacrosse and basketball, and due to such a great lack in field space, there is a possibility of a wide range of local groups as well as other County groups willing to travel to use fields.

Regarding the issue of sanitary requirements, Trustee Corwin said he was troubled by what he was hearing for the first time as a Trustee the idea of this Board voting or making decisions on another County departments' territory. He said that maybe it is because this would be a publicly run facility that sits on County land and asked the Commissioner if Parks goes through this with the Health Department when putting up a facility elsewhere. The Commissioner replied that perhaps sometime in the past, but that this had not come up in his time as Commissioner. Parks stays out of it and lets the Department of Health make its determinations and judgments based on the information we provide. Trustee Corwin said he would recommend staying out of it the same way we wouldn't want the Health Department to interpret off-road regulations for example.

Legislator Fisher said that since the property is on County land, CEQ (Council on Environmental Quality) does determine what the flow requirements would be, but that what Mr. Brown is asking for is the Trustees support that the land being considered for flow requirements be the whole 36 acres and not limited to the 6 acres to be for public use. She added that she had said to Mr. Brown it would be a CEQ determination, but in the spirit of full disclosure, he (Mr. Brown) wanted the Trustees to know what the question was.

Mr. Isles said that the Health Department would look at the flow requirements for a parkland facility the same way as they would for housing or business developments, etc. They will ask you what the size of the facility you are proposing is, how much land, what the flow rate is. When you request permission to put up your bathrooms they will ask you how many acres you have to support that. So you will have to make it clear that this is what you are requesting from the County so that they're not just looking at the 6 acres. Mr. Brown said that in the lease/license agreement there is language defining the area as sanitary flow allowance but that this is a tough issue and without bathrooms, they don't have a facility and they don't have a commitment, this is an issue that must be resolved.

Vice Chairman Kruger said he felt that we (the Trustees) individually don't have the expertise of the Health Department to make suggestions in terms of the mathematics of acreage vs. flow requirements, but what you are looking for is the sense of what this Board thinks is the proper way to proceed.

Trustee Corwin said he would be comfortable as a Trustee with a resolution to approve the project and we realize bathrooms are a necessity. He suggested putting a provision in the approval stating that the Health Department, the applicants, and the Commissioners office figure out exactly how much yield is needed, which part of the 36 acres needs to be encumbered and how to minimize the amount of encumbrance and let it become an administrative issue with the Commissioners office. He said he felt at this point the Board is spinning their wheels.

Trustee Stebbins agreed with Trustee Corwin in that a determination needs to be made by CEQ and the County Attorney's Office and have the Parks Department coordinate that effort. Then we can re-visit that part of the issue when we get a determination on it, until then we can obviously move on and continue to discuss endorsing the project or not.

Chairman McKay asked Legislator Fisher if she had introduced the resolution. She replied yes and that it's pending on the approval of the Trustees for the plan to move forward. She added that

she had not envisioned this discussion on sanitary flow because she thinks it is a CEO determination and not an issue for this Board.

Chairman McKay asked a question about the wording in the resolution that states "All construction shall be subject to the approval of the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation", asking if it should be amended to include the Commissioner of the Department of Health. Legislator Fisher replied "that's a given" requirement and does not need to be in the resolution and that it is in the agreement in our SEQRA (State Environmental Quality Review Act) determination.

Chairman McKay then asked a question regarding the contours on the map, that when this was last discussed, there was to be no clearing beyond a certain contour and that he'd like to have that reiterated. Whatever that contour had been that we do not go beyond that. Also looking at the contours on the map regarding valley flow, it seems to be around 140 feet, he asked if there will be a lot of filling or cutting to level it out, removing or adding material. Mr. Brown replied that they have a general concept which is that a leveling process will have to take place, and that material will stay on site. But when talking about the material that's already there, it's sand and gravel which is difficult to grow turf on. They'd like to work to develop an organic turf level that is environmentally friendly and that material will have to be imported, but they don't plan to change the grade dramatically.

Ms. Kohn asked if they had approval in concept or if they have a written plan. Mr. Brown replied that it is a concept at this point. The agreement that they would be entering into with the County provides for the plan to be approved by the Parks Department. Ms. Kohn then asked about the wording of "License/Lease", which is it? Mr. Brown replied that it's actually both, a license on parkland and a lease on the municipal-use land. The Commissioner said the type of agreement would be determined by the County Attorney's Office.

Chairman McKay stated that if anyone would like to take a look at what can be done with a former sand mine , to take a look at an area in Northport called Steers Park. It used to be a sandlot and it has really grown and improved, it's an amazing concept.

Trustee Olsen proposed that the Board of Trustees support and approve the license/lease of this property for Three Village Boys and Girls Club for the intended use proposed. Trustee Colina seconded.

Chairman McKay asked if anyone wished to discuss any issue on this topic further. Trustee Corwin then added that the condition should be stated in the Resolution that the park would be open for Suffolk County residents to use when there are no scheduled activities of the Three Village Boys and Girls Club, so that would be clear for future Trustees. The Commissioner added it should be reworded to say that the Board of Trustees is approving the proposed use of the 36 acres for the non-exclusive use as proposed by the Three Village Boys and Girls Club, subject to all other rules and regulations applicable. Trustee Kruger seconded.

Trustee Miller also had a question about the lease/license wording, isn't "lease" not allowed with alienation? Mr. Brown said there are two different documents that refer to these agreements.

Chairman McKay called for a vote, the motion passed unanimously.

Deputy Commissioner Bellone wished to express gratitude to Kara Hahn of Legislator Fisher's office for all of her effort and cooperation in working with the Parks Department and the representatives of Three Village Boys and Girls Club in this endeavor.

### **CHAIRMAN'S REPORT:**

Chairman McKay began by saying that Trustee Fritz brought to his attention companion bills introduced in Albany **banning all vehicles from beach access in New York State**. Trustee Fritz added that the bill passed in the Assembly with only two dissenting votes and that he'd contacted Senator Owen Johnson's office and they were sure it would never get out of committee and into the Senate this year. He also said he's setting up a meeting with Senator Johnson to discuss what they would do next year. Trustee Fritz said the bill seemed very vague and wondered how anything so vague was sent to the Legislature in Albany. He said he was also wondering where the State Parks Department stands as they would be the lead agency.

Trustee Corwin asked what exactly the bill stated, the Commissioner replied that all vehicles would be prohibited from beach access unless the municipality has proven it has taken adequate steps to protect the environment, except for emergency vehicles. The implications are that we'd have to come up with a plan. Chairman McKay said it is probably dead for this year, but the Trustees should be well aware of it because it could certainly affect some of our programs. Trustee Fritz added there is likely nothing they need to do now but to be aware of it for the future.

Chairman McKay brought up a meeting he attended regarding **Scully Mansion** and the **Suffolk County Environmental Center** saying representatives from a number of various groups met to give suggestions and ideas on use and development of the environmental center. The Commissioner said that Scully Mansion would be the headquarters of the **Seatuck** organization on the second floor and work is being done with the County Attorney's Office to allow that use.

The Commissioner said the first floor is where the Environmental Interpretive Center would be, and at the meeting the Chairman referred to, they received a lot of new input from a number of environmental groups on what the center should be in terms of what message they want to deliver, how they deliver it as far as classroom studies and environmental activities. He said that all the work that had previously been done by what was the Greenways Environmental Interpretive Committee is not being ignored. All of that information still exists in the file, but we are looking for new input from these groups.

At this point Chairman McKay announced that he had to leave the meeting to attend to other commitments and asked Vice Chairman Kruger to take over the remainder of the meeting.

### **OLD BUSINESS:**

Vice Chairman Kruger asked about the **Third House Restoration**. The Commissioner said it went out to bid but after it was advertised for bidding, deficiencies were found in the bid documents and it is now delayed until an uncertain date in order to issue an addendum to address the deficiencies, for which the Commissioner apologized. In regards to the **GATR** site, he said we are going to draft an agreement between the County and the Montauk Fire District and get counsel from the County Attorney's office on what should be in it. Once we have an agreement we will send it out to Montauk and hope to resolve the issues in that process.

Trustee Fritz asked Deputy Commissioner Bellone about the status of **Oak Beach**, to which she replied that they are scaling back the first phase of the project due to financial reasons and that they are having internal discussions. The Deputy Commissioner said she would get an update and suggested she would invite them to speak at the next meeting to give an update.

Trustee Corwin thanked the Commissioner and his staff for honoring the members of the



**Environmental Team** today. The Commissioner added that the County Executive would be recognizing them at the County Executive offices in Hauppauge on June 23rd at 3:30 pm.

Trustee Corwin then brought up the fact that the hearing on **Forsythe Meadows** is scheduled to take place before the next Trustees meeting and said we (the Board) would be remiss not to comment on it because the climate is now different as there are different people in office but that there's not a lot of time. He'd like the Board to do an on site evaluation.

The Brookhaven public meeting on this issue is July 11th and the deadline to submit something in writing is 10 days later. Trustee Corwin asked if the Board of Trustees could possibly meet one week earlier than scheduled, on the 14th of July instead of July 21st, in order to have something in writing prepared in time for the deadline.

Vice Chairman Kruger asked by a show of hands who agreed to move the next Trustees meeting to July 14th. All members agreed and the motion was accepted. The Deputy Commissioner suggested holding it at West Sayville in order to be able to type something up that day for Chairman McKay to sign in regards to the Board of Trustees opinions/recommendations on Forsythe Meadows.

#### **NEW BUSINESS:**

None of the Trustees had any topics to discuss for New Business.

Before closing Vice Chairman Kruger suggested that anyone interested and able to do so attend the July 11th meeting which will be held at 5:00 pm at the Brookhaven Town Hall on Bald Hill. Legislator Fisher invited the Trustees to walk the property in question, either individually or as a group, and to contact her office to make those arrangements.

#### **DATE AND LOCATION OF THE NEXT MEETING:**

Vice Chairman Kruger once again stated the next meeting will be held on July 14th at West Sayville at the regular time.

Meeting adjourned.